

**REMARKS**

The specification has been amended at page 1 to alert the Examiner to twenty-four co-pending related applications. Claims 1-119 remain in the application.

Claims 11-13 and 70-73 are rejected for lack of enablement of “the at least one ad server comprises a plurality of ad servers”. In fact, in addition to illustrating and describing one ad server 303 in FIG. 3 and at page 15, lines 11-16, the application further discloses “multiple servers on a peer with ads.eudora.com server 303” at page 32, lines 1-8 and “new advertisements to be fetched by the client device, and the source addresses of the ad servers on which the specified new advertisements are stored” at page 60, lines 30-32. The basis for both “at least one ad server” and “a plurality of ad servers” is therefore present in the specification. It is submitted that little or no experimentation respecting the partitioning of an ad function over one or more or a plurality of servers, or the investing of one or more or a plurality of servers with one or more ad functions, is necessary to practice the invention of these claims. Accordingly, the applicants respectfully request withdrawal of this rejection.

Objection is made to claims 60, 61, 63, and 114-117 for misspelling of the word “and”. A close review of these claims reveals no misspellings. The applicants respectfully request identification of the misspelled words by claim and line number or withdrawal of this objection.

Claims 1, 3, 6, 7, 25, 26, 32-34, 40, 41, 48-50, 52-54, 96-98, and 104-106 are rejected for obviousness over US Patent 6,014,502 (“Moraes”) in view of US Patent 6,625,578 (“Spaur”). This rejection is respectfully traversed for the following reasons.

*Prima facie*, rejection of a claim for obviousness over a combination of references requires some suggestion or motivation in the prior art to combine the references, a reasonable expectation of success, and the inclusion of all elements of the rejected claim in the combination. See MPEP 2143, et seq. The applicants respectfully submit that the proposed combination fails to meet these requirements

Taking claim 1 as representative, software for use on a client device is claimed. The software includes:

“a communications function that effects an advertisement download communication link between the client device and an advertisement distribution server system via the communications network, at selected advertisement download times;  
an advertisement download function that downloads advertisements identified in a playlist(s) generated by at least one playlist server, via the advertisement download communication link, at the selected advertisement download times;  
an advertisement storage function for storing the downloaded advertisements on a storage medium associated with the client device; and  
an advertisement display function that effects display of at least selected ones of the stored advertisements.”

The playlist recited in claim 1 and defined in the specification, for example at page 30, lines 34-37, is a list of advertisements to be fetched by the client software for use with a client device. In this regard, the playlist does not contain advertisements, only various addresses whence they may be fetched. The playlist is generated by, and obtained from, “at least one playlist server.” See the specification at page 31, lines 13-26. Thus, the client device software is put in possession of the list of advertisements which it will itself download by way of its “advertisement download function.”

As is conceded in the Office Action, Moraes does not include “an advertisement download function that downloads advertisements.” In Moraes’ electronic mail system, advertisements are downloaded, not by the client, but by a mail server Mn. Thus, “mail server Mn transmits the appropriate advertisements to the user.” See Moraes at column 21, lines 5, 6. Moraes also does not include “at least one playlist server” and “playlist(s) generated by at least one playlist server”. The selection, aggregation, and delivery of advertisements in Moraes’ electronic mail system is centrally controlled and performed by the server system, not by the user. An “advertisement distribution scheduler of the server system decides which advertisements are eligible for distribution to a user.” See Moraes at column 7, 16-18. How the advertisement distribution scheduler works is disclosed in US Patent Application Ser. No. 08/636, 745, which is expressly incorporated by reference into Moraes at column 7, lines 31-32. That application is now US Patent 5,848,397 (“Marsh”), which is cited in this patent application at page 4, lines 29-30.

According to Marsh, the advertisement distribution scheduler, a component of an e-mail server system 104, generates an assignment of advertisements to users. Marsh's server system "also includes an advertisement download scheduler that determines when the advertisements are transferred to each user". See Marsh at column 3, lines 28-30. And, the "advertisement download scheduler controls the transfer of advertisements from a mail server  $M_n$  to a client system 101." See Marsh at column 16, lines 19-21.

The server-controlled advertisement distribution system of Moraes/Marsh supports the objective at column 2, lines 35-37 of Moraes, which is "an e-mail system that operates mostly off-line." In contrast with Moraes, the game playing system of Spaur is an "on-line" system in which advertisements are provided "while on-line card and board games are being played." Spaur is expressly limited to on-line operation and contains no suggestion that its advertisement downloading function be used in an off-line or a "mostly" off line system. Manifestly, adding a playlist server and providing a client software function "that downloads advertisements identified in a playlist(s) generated by" the playlist server would increase the on-line time of Moraes' system. Moraes therefore teaches away from using an advertisement downloading function of an on-line system.

From another point of view, Moraes is directed to solving the problem of displaying advertising to e-mail system users who desire to avoid high costs resulting from operating e-mail systems on-line. According to Moraes, "there is a need for a system that displays and automatically replaces advertisements while disconnected from the network." See Moraes at column 2, lines 1-37. Spaur, on the other hand seeks to reduce the intrusion or interference of advertising "when playing on-line card or board games." Moraes seeks to display advertisements off-line; Spaur's advertisement download function only displays advertisements on-line. See Spaur at column 1, lines 55-60. In other words, Moraes and Spaur are directed to diametrically opposed problems with conflicting solutions.

The contention in the Office Action at the end of paragraph 7 a. is that the skilled artisan would be motivated to modify Moraes by downloading advertisements in the manner taught by Spaur "in order to provide continuous or persistent advertisements." Spaur at column 9, lines 51-57. In fact, the entire passage of Spaur concerns an advertisement that is "continuously, or substantially continuously, provided to the client

machine during the playing of the on-line card or board game.” Such “continuous or persistent advertisements” conflict with Moraes’ objective of off-line advertisement presentation and therefore do not suggest that Moraes be combined with Spaur.

Therefore there is no suggestion or motivation to modify Moraes’ system by the addition of the “advertisement download function” of the rejected claims, or by the addition of Spaur’s “on-line” advertising downloading function for “continuous or persistent advertisements.” Accordingly, the prior art does not suggest or motivate the combination of Moraes with Spaur. See MPEP 2143.01.

Further, since addition of the “advertisement download function” of these claims, or the “on-line” advertising of Spaur, would increase the on-line time of Moraes’ system, there is no reasonable expectation that the combination of Moraes with Spaur would be successful. Indeed, it is reasonable to conclude that Spaur’s on-line advertising function would degrade or impair the ability of Moraes’ email system to disconnect from the server system that provides advertising. See MPEP 2143.02.

As to claim 25, Moraes at column 6, lines 21-30 teaches an advertisement statistics file maintained on a client computer. However, the advertisement statistics file is used by a client program to record information to be uploaded from the client to a server system. The advertisement statistics file is not an “advertisement file” which is downloaded to the client and which stores an advertisement and related display parameters. Therefore, this passage does not teach or suggest “advertisements” which “comprise advertisement files each of which includes an advertisement and a plurality of ad display parameters associated with that advertisement.”

As to claim 26, the contention is that Moraes, at column 6, lines 21-30, teaches that the advertisement display function “displays the stored advertisements according to the ad display parameters.” In fact, this passage relates to the accumulation of statistics in an advertisement statistics file maintained by the client for uploading to the server system. There is no teaching that an advertisement is displayed according to the statistics maintained in this file. Therefore, this passage does not teach or suggest a display function that “displays” a stored advertisement according to “ad display parameters” maintained in an “advertisement file.”

As to claim 32, Moraes at column 6, line 67 and column 7, lines 1-2 teaches only which advertisements to display, and for how long. The determinations are made by a scheduler. But there is no disclosure in this passage that the scheduler obtains such parameters from a playlist. Therefore, this passage does not teach or suggest a playlist with “ad display parameters” that specify “how many times” an advertisement is to be displayed.

As to claim 33, Moraes at column 6, lines 62-65 teaches only that a server system can send a user an email relating to an advertisement. The email does not contain ad display parameters. An email is not a playlist. Therefore this passage does not teach or suggest a playlist with “ad display parameters” that specify “how many times an advertisement is to be displayed for a given period of time.”

As to claim 34, Moraes at column 6, line 67 and column 7, lines 1-2 teaches only which advertisements to display, and for how long. These determinations are made by a scheduler. There is no disclosure in this passage that the scheduler obtains such parameters from a playlist. Further, one implication of this passage is that an advertisement is displayed only once, for a given period of time. Therefore this passage does not teach or suggest a playlist with “ad display parameters” that specify “how long” an advertisement is to be displayed “each time that it is displayed”.

As to claim 40, Moraes at column 7, lines 3-15 teaches only that a client program maintains an event log file. An event log file is not a playlist. Further a log is used to record, not to specify, data. Therefore this passage does not teach or suggest advertisement file parameters that specify “how many times an advertisement is to be displayed for a given period of time.”

As to claim 41, Moraes at column 7, lines 1-2 teaches only which advertisements to display, and for how long. One implication of this passage is that an advertisement is displayed only once, for a given period of time. This passage does not teach or suggest advertisement file parameters that specify “how long” an advertisement is to be displayed “each time that it is displayed”.

Accordingly, the rejection of claims 1, 3, 6, 7, 25, 26, 32-34, 40, 41, 48-50, 52-54, 96-98, and 104-106 for obviousness does not satisfy the requirements of *prima facie* obviousness and should be withdrawn.,

Claims 5 and 51 are rejected for obviousness over Moraes in view of Spaur, and further in view of US Patent 6,298,332 ("Montague"). This rejection is traversed with respect to the combination of Moraes and Spaur which for the reasons given above in support of claim 1. Further, Montague at column 15, lines 35-36 only teaches a vendor controlling a server 68. The vendor is evidently a vendor of products, but there is no teaching that the "vendor" controlling the server 68 is a vendor of the "software for use on" a "client device" that executes on Montague's user controlled workstation 64. Nor is there any teaching in Montague that the server 68 controlled by the vendor is a "playlist server." Accordingly, the rejection of claims 5 and 51 for obviousness does not satisfy the requirements of *prima facie* obviousness and should be withdrawn.

Claims 2, 4, and 9-11 are rejected for obviousness over Moraes in view of Spaur, and further in view of US Patent 6,516,338 ("Landsman"). This rejection is traversed with respect to the combination of Moraes and Spaur for the reasons given above in support of claim 1. Landsman does not provide the missing motivation to combine Moraes with Spaur. Accordingly, the rejection of claims 2, 4, and 9-11 for obviousness does not satisfy the requirements of *prima facie* obviousness and should be withdrawn.

Claims 8, 12, and 13 are rejected for obviousness over Moraes in view of Spaur, and further in view of Landsman and Montague. This rejection is traversed with respect to the combination of Moraes and Spaur for the reasons given above in support of claim 1, with respect to the combination of Moraes, Spaur, and Landsman for the reasons given above in support of claim 2, 4, and 9-11 and with respect to the combination of Moraes and Spaur with Montague for the reasons given in support of claims 5 and 51. Accordingly, the rejection of claims for obviousness does not satisfy the requirements of *prima facie* obviousness and should be withdrawn.

Claims 14-23 are rejected for obviousness over Moraes in view of Spaur, and further in view of US Patent 6,317,578 ("Rakavy"). This rejection is traversed with respect to the combination of Moraes and Spaur for the reasons given above in support of claim 1. Rakavy does not rectify the failure of the prior art to suggest the combination of Moraes with Spaur.

With respect to claim 14, Rakavy at column 5, lines 64-67 teaches a plurality of advertising system servers, but specifies further that any one of those advertising system

servers downloads an advertisement to a local computer based upon an advertisement address selected by another advertising server in response to user preference information. The advertisement address does not come from a "playlist."

With respect to claim 15, the statement is made that Spaur teaches a playlist that "contains a list of ad identifiers and corresponding URIs that identify respective ones of the advertisements to be downloaded." However, no citation to any passage in Spaur is given in support of this assertion. Accordingly, the applicants respectfully request identification of the section of Spaur where a list with ad identifiers and URIs is taught. Further, Rakavy at column 6, lines 1-5 teaches only a "network address", not a "storage location."

With respect to claim 16, the statement is made in the Official Action at section 10 c. that Moraes at column 6, lines 49-53 teaches "a client device playlist identification function that transmits an identification of a current playlist(s) currently being used by the client device to the at least one playlist server at prescribed playlist check intervals." The applicants respectfully disagree. At the cited passage, Moraes discusses "advantages over web-based systems", but does not discuss or suggest "a client device playlist identification function that transmits an identification of a current playlist(s) currently being used by the client device to the at least one playlist server at prescribed playlist check intervals." Section 10 c. of the Official Action goes on to say that Moraes teaches "wherein the at least one playlist server responds either by transmitting to the client device an indication that the current playlist(s) is valid and does not need to be augmented, or by transmitting to the client device a new playlist(s)" at column 7, lines 37-43. The applicants respectfully disagree. At this passage, Moraes discloses only that "e-mail messages come from a different source from that of advertisements." There is no mention in this passage of any server, let alone a "playlist server." Indeed, there is no teaching or suggestion of a "playlist(s)" or a "playlist server" in any passage of Moraes. Section 10 c. of the Official Action goes on to assert that Rakavy, at column 5, lines 64-67 and column 6, lines 1-5, teaches:

"a playlist comparison function that compares the ad identifiers listed in the current playlist(s) with the ad identifiers listed in the new playlist(s), and that generates a

list of URIs of the advertisements corresponding to the ad identifiers in the new playlist(s) that are different from the ad identifiers in the current playlist(s); and

an ad fetch function that fetches the advertisements corresponding to the generated list of URIs from the appropriate one(s) of the plurality of ad servers, over one or more advertisement download sessions.”

The applicants respectfully disagree. In fact, at these passages, Rakavy teaches a “predetermined advertising system server” that selects the next advertisement to be downloaded and transmits the address of that advertisement to a local computer 500. Only a single address of a single advertisement is processed. Where is the “function that compares the ad identifiers listed in the current playlist(s) with the ad identifiers listed in the new playlist(s)” described in this passage? Where is the function “that generates a list of URIs of the advertisements corresponding to the ad identifiers in the new playlist(s) that are different from the ad identifiers in the current playlist(s)” described in this passage? Where is the “ad fetch function that fetches the advertisements corresponding to the generated list of URIs from the appropriate one(s) of the plurality of ad servers, over one or more advertisement download sessions” described in this passage? The applicants respectfully submit that none of these elements is in the cited passage. In fact, they are altogether absent from Ravaky. These features of claim 16, which are omitted from the cited references, also limit claims 17-22.

Accordingly, the rejection of claims 14-23 for obviousness does not satisfy any of the requirements of *prima facie* obviousness and should be withdrawn.

Claim 24 is rejected over Moraes in view of Spaur and Ravaky, and further in view of US Patent 5, 955,710 (“DiFranza”). This rejection is traversed with respect to the combination of Moraes in view of Spaur and Ravaky for the reasons given above in support of claims 1 and 16. DiFranza does not rectify these omissions. Accordingly, the rejection of claim 24 for obviousness does not satisfy any of the requirements of *prima facie* obviousness and should be withdrawn.

Claims 27-30 are rejected for obviousness over Moraes in view of Spaur, and further in view of US Patent 6,339,795 (“Narurkar”). This rejection is traversed with respect to the combination of Moraes and Spaur for the reasons given above in support of claim 1. Narurkar does not rectify these omissions. Further, neither Moraes nor Spaur



suggests that a failed downloading session is a contemplated occurrence. Indeed, if a failed session occurred in either case it is equally likely that the results of the failed session would simply be discarded and that the advertisements of the failed session would simply be downloaded in their entirety in a following session as that the would be preserved in part and completed in a later session. Accordingly, the rejection of claims 27-30 for obviousness does not satisfy the requirements of *prima facie* obviousness and should be withdrawn

Claims 31 and 55 are rejected for obviousness over Moraes in view of Spaur and Narurkar, and further in view of US Patent 6,134,584 ("Chang"). This rejection is traversed with respect to the combination of Moraes and Spaur for the reasons given above in support of claim 1, and with respect to the combination of Moraes, Spaur, and Narurkar for the reasons given in support of claims 27-30. Further, as to claim 31, Chang, in the Abstract, lines 8-22, teaches a system timer that "wakes up" a computer to receive a download and a "download time" that limits data downloading. The passage does not disclose where the download timer executes. That is to say, the download timer is as likely to execute in the downloading machine as in the machine receiving the downloading. Further, the download time is not directed to any particular kind of session, such as an advertisement download session. The passage simply does not teach "software for use on a client device" with "an ad fetch timer function" that limits an "advertisement download session." As to claim 55, Chang's Abstract at lines 19-26 only teaches interrupting a downloading when the downloading time exceeds a specified limit, disconnecting from a network, and rescheduling the downloading for some future time. Chang does not identify any machine that executes these method steps, and specifically does not teach client software with a download monitor function. Chang merely stops downloading when time runs out, without determining whether a "failure condition" has occurred. The rejection of claims 31 and 55 for obviousness does not satisfy the requirements of *prima facie* obviousness and should be withdrawn.

Claims 35-39 and 42-45 are rejected for obviousness over Moraes in view of Spaur, and further in view of US Patent 5,955,710 ("DiFranza"). This rejection is traversed with respect to the combination of Moraes and Spaur for the reasons given above in support of claim 1. Further, with respect to claims 37, 38, 44, and 45 the

contention of the Office Action paragraph 14 c. is that Moraes, at column 7, lines 1-2 teaches “maximum face time”. In the claims, “face time” is defined as “a time period during which a prescribed minimum level of user activity occurs.” Moraes at column 7, lines 1-2 only teaches “which advertisements to display to the user and for how long.” But “how long an advertisement is displayed” according to Moraes is not correlated with a “face time” measured by “user activity.” In fact, Moraes omits any notion of how long an advertisement is actually within the view of a user, and so omits any teaching or suggestion of “face time.” DiFranza at column 4, lines 20-30 discusses “advertisement impressions” but has no means for measuring this parameter in any way, including “user activity.” As to claims 39, 42, and 43, this rejection is traversed with respect to the combination of Moraes and Spaur for the reasons given above in support of claims 1, 25, and 26. Accordingly, the rejection of claims 35-39 and 42-45 for obviousness does not satisfy the requirements of *prima facie* obviousness and should be withdrawn

Claims 46 and 47 are rejected for obviousness over Moraes in view of Spaur, and further in view of US Patent 6,014,502 (“Robinson”). This rejection is traversed with respect to the combination of Moraes and Spaur for the reasons given above in support of claim 1. Robinson does not suggest or motivate this combination. Accordingly, the rejection of claims 46 and 47 for obviousness does not satisfy the requirements of *prima facie* obviousness and should be withdrawn.

Claims 56 and 58 are rejected for obviousness over Moraes in view of Spaur, and further in view of US Patent 6,381,709 (“Casagrande”). This rejection is traversed with respect to the combination of Moraes and Spaur for the reasons given above in support of claim 1. Casagrande does not suggest or motivate this combination. As to claim 56, Casagrande at column 2, lines 58-60 teaches only that “a download is monitored by a client application and is restarted automatically if a failure condition occurs.” Claim 56, however, recites “an advertisement download monitor function that determines whether or not an ad download failure condition has occurred.” Casagrande does not teach how to distinguish advertisements from any other data being downloaded. This passage of Casagrande only teaches automatic restart of a download failure condition, it does not teach how to determine the nature of the download failure. As to claim 58, Casagrande at column 2, lines 58-60 makes absolutely no mention of a function for disabling any

features of client software “in response to a determination” of any failure whatsoever. Accordingly, the rejection of claims 56 and 58 for obviousness does not satisfy any of the requirements of *prima facie* obviousness and should be withdrawn.

Claims 57, 59, and 60-64 are rejected for obviousness over Moraes in view of Spaur, Narurkar, Chang, and Casagrande. This rejection is traversed with respect to the combination of Moraes and Spaur for the reasons given above in support of claim 1, with respect to the combination of Moraes, Spaur, Narurkar, and Chang for the reasons given above in support of claims 31 and 55, and the combination of Moraes, Spaur, and Casagrande for the reasons given above in support of claims 56 and 58. In addition, claims 60-64 are drawn to “an ad download failure nag function” that generates an ad download failure “nag” to notify a user of unsuccessful advertisement downloading. Casagrande at column 3, lines 4-10 describes failure of a stream mode of data transfer, and response to the failure by sending a request to a server for transferring the remainder of the data. Casagrande does not, however, teach generating any object as a consequence of a download failure, nor any object signifying the failure that is perceptible to the user. The failure and recovery is business conducted strictly between machines, according to Casagrande. In short, Casagrande does not teach or suggest a “nag that notifies the user” of any failure. Accordingly, the rejection of claims 57, 59, and 60-64 for obviousness does not satisfy the requirements of *prima facie* obviousness and should be withdrawn.

Claims 65, 78-82, 89-91, 93-95, 100-102, and 107-109 are rejected for obviousness over Moraes in view of Chang. The applicants note that the combination of Moraes and Chang is proposed in section 18 of the Office Action and is applied in sections 18 a. through 18 h. and in sections 18 m. through 18 r. However, the combination specified in sections 18 i. through 18 l. is Moraes and Spaur. The applicants respectfully request clarification with respect to the rejection of claims 91 and 93-95, and reserve comment on this much of the rejection pending such clarification. This rejection is traversed with respect to claims 65, 78-82, 89, 90, 100-102, and 107-109 for the following reasons.

Claim 65, which is representative of these claims, recites a “software for use on a client device” configured for communications via a communications network. The software includes:

“a playlist fetch function that fetches a playlist(s) from a playlist server, wherein the playlist(s) identifies advertisements to be fetched;

an ad download function that downloads the advertisements identified in the playlist(s) from an advertisement distribution system, via the communications network, during one or more advertisement download sessions;

an advertisement storage function for storing the downloaded advertisements on a storage medium associated with the client device; and

an advertisement display function that effects display of at least selected ones of the stored advertisements on a display associated with the client device.”

Moraes has been previously characterized. As admitted in the Office Action at section 18 a., “Moraes fails to teach a playlist fetch function that fetches a playlist(s) wherein the playlist(s) identifies advertisements to be fetched.” In the same section of the Office Action it is contended that “Chang teaches” the playlist fetch function in the Abstract at lines 6-8. The applicants respectfully disagree. According to lines 6-8 of Chang’s Abstract, an information access and retrieval method includes “fetching and saving those web pages, databases, or softwares’ source entities and their corresponding network addresses for the upcoming data download.” However, this passage does not specify the entity that is “fetching” nor the entity that conducts the “upcoming download.”

Chang at column 2, lines 9-63 discusses the roles that a “proxy server” can perform for one or more requesting clients and describes a downloading package that enables a user to select web sites to download as well as a time at which the downloading begins. Chang identifies a problem with the prior art as requiring the receiving client to be powered on. The solution being sought is a method that assembles the resources for downloading without requiring the requesting computer to be powered on. These considerations suggest that Chang’s access and retrieval method operates as follows. First a requesting computer system sends a request to a proxy server for downloading specified web pages, databases, or software. The request includes the requesting computer’s interface and a time at which the downloading is to occur. The proxy server then fetches web pages, databases, or software sources and their related network addresses. A wake up timer for downloading to the requesting computer is set. When the wake up timer alarms, the requesting computer wakes up and the proxy server accesses the network addresses, and downloads the requested web pages, databases, or software to the requesting computer. Following download (whether successful or not) the requesting computer is automatically turned off.

Thus, in Chang’s method, the proxy server makes a list based upon the request of a requesting computer, and then itself later uses the list to fetch the listed items for downloading to the requesting computer. The proxy server does not download the list to the requesting computer. The requesting computer receives web pages, databases, or software from the proxy server, not a list of those items. However, in claim 65, the “playlist fetch function” is included in the claimed “software for use on a client device” and the function is executed by the client device software to “fetch a playlist(s) from a playlist server”. The client device software then utilizes its own “ad download function” to download advertisements identified in the list. In Chang, the proxy server lists and downloads without transferring the list; the requesting computer neither lists, nor fetches a list, nor downloads listed items. In claim 65, the playlist server lists, and the client device software fetches the list and downloads.

The proposed combination of Moraes and Chang therefore omits software for use on a client device that includes “a playlist fetch function that fetches a playlist(s) from a playlist server, wherein the playlist(s) identifies advertisements to be fetched.”

Accordingly the rejection fails the requirements for *prima facie* obviousness with respect to claims 65, 78-82, 89, 90, 100-102, and 107-109, and should be withdrawn.

Claims 66 and 67 are rejected for obviousness over Moraes in view of Chang, and further in view of Spaur. This rejection is traversed with respect to the combination of Moraes and Chang for the reasons given above in support of claim 65. Spaur does not rectify the omission of the playlist fetch function from this combination. This rejection is further traversed for reasons given above in support of claims 14 and 15. Accordingly, the rejection of claims for obviousness does not satisfy the requirements of *prima facie* obviousness and should be withdrawn.

Claims 68-70 are rejected for obviousness over Moraes in view of Chang, and further in view of Landsman and Spaur. This rejection is traversed with respect to the combination of Moraes and Chang for the reasons given above in support of claim 65. Neither Landsman nor Spaur rectifies the omission of the playlist fetch function from this combination. Accordingly, the rejection of claims 68-70 for obviousness does not satisfy the requirements of *prima facie* obviousness and should be withdrawn.

Claims 71 and 72 are rejected for obviousness over Moraes in view of Chang, and further in view of Landsman, Spaur, and Montague. This rejection is traversed with respect to the combination of Moraes and Chang for the reasons given above in support of claim 65. Neither Landsman, nor Spaur, nor Montague rectifies the omission of the playlist fetch function from this combination. This rejection is also traversed with respect to the combination of Moraes and Chang in view of Landsman, Spaur, and Montague for the reasons given in support of claims 5 and 51. Accordingly, the rejection of claims for obviousness does not satisfy the requirements of *prima facie* obviousness and should be withdrawn.

Claims 73-76 are rejected for obviousness over Moraes in view of Chang, and further in view of Spaur and Ravaky. This rejection is traversed with respect to the combination of Moraes and Chang for the reasons given above in support of claim 65. Neither Spaur nor Ravaky rectifies the omission of the playlist fetch function from this combination. This rejection is further traversed with respect to Moraes and Chang in view of Spaur and Ravaky for reasons given above in support of claims 14-23. Accordingly,

the rejection of claims for obviousness does not satisfy the requirements of *prima facie* obviousness and should be withdrawn.

Claim 77 is rejected over Moraes in view of Chang, and further in view of Spaur, Ravaky, and DiFranza. This rejection is traversed with respect to the combination of Moraes and Chang for the reasons given above in support of claim 65. Neither Spaur, nor Ravaky, nor DiFranza rectifies the omission of the playlist fetch function from this combination. This rejection is further traversed with respect to Moraes and Chang in view of Spaur and Ravaky for reasons given above in support of claims 14-23, and is further traversed with respect to Moraes and Chang in view of Spaur, Ravaky, and DiFranza for reasons given above in support of claim 24. Accordingly, the rejection of claims for obviousness does not satisfy the requirements of *prima facie* obviousness and should be withdrawn.

Claims 83-86 are rejected for obviousness over Moraes in view of Chang, and further in view of DiFranza. This rejection is traversed with respect to the combination of Moraes and Chang for the reasons given above in support of claim 65. DiFranza does not rectify the omission of the playlist fetch function from this combination. This rejection is further traversed with respect to Moraes and Chang in view of DiFranza for reasons given above in support of claims 35-39 and 42-45. Accordingly, the rejection of claims for obviousness does not satisfy the requirements of *prima facie* obviousness and should be withdrawn.

Claims 87 and 88 are rejected for obviousness over Moraes in view of Chang, and further in view of Robinson. This rejection is traversed with respect to the combination of Moraes and Chang for the reasons given above in support of claim 65. Robinson does not rectify the omission of the playlist fetch function from this combination. This rejection is further traversed with respect to Moraes and Chang in view of Robinson for reasons given above in support of claims 46 and 47. Accordingly, the rejection of claims for obviousness does not satisfy the requirements of *prima facie* obviousness and should be withdrawn.

Claim 92 is rejected over Moraes in view of Chang, and further in view of Montague. This rejection is traversed with respect to the combination of Moraes and Chang for the reasons given above in support of claim 65. Montague does not rectify the

omission of the playlist fetch function from this combination. This rejection is further traversed with respect to Moraes and Chang in view of Montague for reasons given above in support of claims 5 and 51. Accordingly, the rejection of claims for obviousness does not satisfy the requirements of *prima facie* obviousness and should be withdrawn.

Claim 110 is rejected over Moraes in view of Spaur, and further in view of Chang. This rejection is traversed with respect to the combination of Moraes and Spaur for the reasons given above in support of claim 1. This rejection is further traversed with respect to Moraes and Spaur in view of Chang for reasons given above in support of claims 31 and 55. Accordingly, the rejection of claims for obviousness does not satisfy the requirements of *prima facie* obviousness and should be withdrawn.

Claim 111 is rejected over Moraes in view of Spaur, and further in view of US Patent 6,605,120 ("Fields"). This rejection is traversed with respect to the combination of Moraes and Spaur for the reasons given above in support of claim 1. This rejection is further traversed with respect to Moraes and Spaur in view of Fields. The contention in the Office Action at section 27 a. (second instance, at page 62) is that Fields teaches "a deadbeat user determination function that determines compliance with a prescribed ad display." In fact, at column 10, lines 55-67, Fields teaches only filter definitions that include "policy for a particular web content provider." These filters allow content from a web provider to be passed, or not, according to a policy for the web provider. One policy mentioned is whether a publisher's ads should be passed, or not. However, a policy of whether or not to display an ad passed by a filter is not disclosed. Further, the filters described by Fields are components of hosting, or pass-through web sites, and are not components of "software for a client device". Finally, there is simply no function described by Fields that determines deadbeat users in order to implement a prescribed ad display policy. Accordingly, the rejection of claim 111 for obviousness does not satisfy the requirements of *prima facie* obviousness and should be withdrawn.

Claims 112-115 are rejected for obviousness over Moraes in view of Spaur and further in view of Chang and Casagrande. This rejection is traversed with respect to the combination of Moraes and Spaur for the reasons given above in support of claim 1. This rejection is further traversed with respect to Moraes and Spaur in view of Chang and Casagrande for reasons given above in support of claims 58, 59, 60, and 61. Accordingly,



the rejection of claims for obviousness does not satisfy the requirements of *prima facie* obviousness and should be withdrawn.

Claim 118 is rejected for obviousness over Moraes in view of Spaur and further in view of Chang and Casagrande. This rejection is traversed with respect to the combination of Moraes and Spaur for the reasons given above in support of claim 1. This rejection is further traversed with respect to Moraes and Spaur in view of Chang and Casagrande for reasons given above in support of claims 57, 59, and 60-64. Accordingly, the rejection of claims for obviousness does not satisfy the requirements of *prima facie* obviousness and should be withdrawn.

Claims 116, 117, and 119 are rejected for obviousness over Moraes in view of Spaur and further in view of Fields and Casagrande. This rejection is traversed with respect to the combination of Moraes and Spaur for the reasons given above in support of claim 1. This rejection is further traversed with respect to Moraes and Spaur in view of Fields and Casagrande for reasons given above in support of claims 111, 58, 59, 60, and 61. Accordingly, the rejection of claims for obviousness does not satisfy the requirements of *prima facie* obviousness and should be withdrawn.

Accordingly, in view of these remarks, it is respectfully submitted that all claims in this application are patentably distinguishable over the references of record, early notice of which is earnestly solicited.

Respectfully submitted,

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